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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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JEFFREY DESKOVIC,

Plaintiff,

v.

CITY OF PEEKSKILL, PUTNAM COUNTY,  
WESTCHESTER COUNTY, DAVID LEVINE,  
THOMAS MCINTYRE, WALTER  
BROVARSKI, EUGENE TUMOLO, JOHN  
AND JANE DOE SUPERVISORS, DANIEL  
STEPHENS, LOUIS ROH, MILLARD  
HYLAND, PETER INSERO, and LEGAL AID  
SOCIETY OF WESTCHESTER COUNTY

No. CV-07-8150 (KMK)(GAY)

Defendants.

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**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the respective parties, that in exchange for the agreement by defendants City of Peekskill, David Levine, Thomas McIntyre and Eugene Tumolo not to raise any objections or defenses based on lack of notice with respect to plaintiff's *respondeat superior* claim for malicious prosecution, plaintiff Jeffrey Deskovic hereby discontinues with prejudice all of his state law claims against all of the defendants except for his claim for malicious prosecution against the City of Peekskill, through the doctrine of *respondeat superior*.

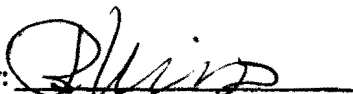
This stipulation may be signed in counterparts.

Dated: White Plains, New York  
August 26, 2011

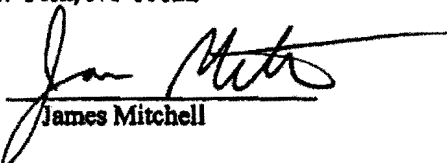
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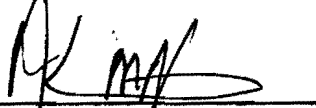
WILSON ELSEER MOSKOWITZ  
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Attorneys for Defendants City of  
Peekskill, David Levine, Thomas  
McIntyre, and Walter Brovanski

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STILLMAN FRIEDMAN & SHECTMAN, P.C.  
Attorneys for Defendant Eugene Tumolo  
425 Park Ave.  
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By:   
James Mitchell

SO ORDERED:

  
Kenneth M. Karas, U.S.D.J.  
9/5/11